

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

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|---|---|----------------------------------|
| In re: |) |) |
| PES HOLDINGS, LLC, <i>et al</i> |) | Chapter 11 |
| Debtors. |) | Case No. 19-11626 (LSS) |
| |) | (Jointly Administered) |
| |) |) |
| PES HOLDINGS, LLC, et al |) |) |
| Plaintiffs, |) | Adversary Proceeding |
| v. |) |) |
| ALLIANZ GLOBAL RISKS US INSURANCE CO., <i>et al.</i> |) | Adv. No. 20-50454 (LSS) |
| Defendants |) | Re: Adv. Docket No. 95, 141, 178 |
| |) |) |

FOURTH AMENDED SCHEDULING ORDER

To promote the efficient and expeditious disposition of adversary proceedings, the following schedule shall apply to each of the above-captioned adversary proceedings.

IT IS HEREBY ORDERED that:

1. **Fact Discovery Cut-Off.** All fact discovery will be completed on or before May 17, 2021; *provided*, however, that solely with respect to the depositions of Stephanie Eggert, Ajay Ramesh, and John Sitler in relation to Defendants' Notice of 30(b)(6) Deposition to the PES entities dated March 10, 2021, the deposition of Jeffrey Stein and Mark Smith, the depositions of Insurers' 30(b)(6) witnesses located in Switzerland, and the 30(b)(6) witness designated by Standard Syndicate No. 1884 and Renaissance Re Syndicate Management Ltd. on behalf of Syndicate 1458 regarding topics 1 and 2, discovery will be completed on or before May 31, 2021

to accommodate these witnesses. Unless otherwise ordered by the Court or agreed to by the parties, pursuant to Local Rule 7016-1(b)(ii), the limitations on discovery set forth in District Court Local Rule 26.1 shall be strictly observed. The parties have agreed to expand the number of depositions beyond the 10 provided for in the Federal Rule of Civil Procedure due to the number of parties and the complexity of the issues. Any dispute regarding the final number of depositions shall be subject to a meet and confer between the parties and, if necessary, a motion with the Court.

2. Disclosure of Expert Testimony. The parties shall serve their initial Federal Rule of Civil Procedure 26(a)(2) disclosures of expert testimony on or before June 7, 2021, for any issue on which they bear the burden of proof. If applicable, the parties shall serve a supplemental disclosure to contradict or rebut evidence on the same subject matter identified by another party on or before July 8, 2021. If a party deems necessary, the party shall serve a supplemental reply to contradict or rebut evidence on the same subject matter identified by another parties' rebuttal expert reports on or before August 12, 2021. All reports shall provide the information required by Fed.R.Civ.P. 26(a)(2)(B).

3. Expert Discovery Cut-Off. All expert discovery, including depositions, will be completed on or before October 15, 2021.

4. Dispositive Motion Deadline. Pursuant to Local Rule 7007-1, the following deadlines shall apply to the filing and briefing of dispositive motions: All dispositive motions shall be filed and served on September 20, 2021. Opposition papers shall be filed and served on October 27, 2021. Reply papers shall be filed and served on November 12, 2021.

5. Expert Motion Deadline. The following deadlines shall apply to the filing and briefing of motions related to the exclusion of expert testimony: All expert motions shall be filed

and served November 12, 2021. Opposition papers shall be filed and served December 10, 2021. Reply papers shall be filed and served December 20, 2021.

6. Pretrial Exchanges. The parties shall exchange exhibit lists and affirmative deposition designations that each party intends to offer at trial and identify, on a “will call” or “may call” basis, the names of all witnesses each party intends to call to testify, and state whether in person or by deposition, at the trial and the specialties of experts to be called as witnesses for trial by no later than November 2, 2021. By no later than November 23, 2021, the parties shall exchange any counter-deposition designations and rebuttal exhibit lists, as well as any objections to an opposing party’s deposition designations or exhibits, which shall include citations to the applicable Federal Rules of Evidence. The parties shall also exchange on November 23, 2021 statements of the facts that they consider to be admitted and that require no proof, the facts that the parties contend remain to be litigated, the issues of law that the parties contend remain to be litigated, and what each party intends to prove in support of their claims and/or defenses, including the details of the damages claimed or of other relief sought. Any final designations for completeness and/or objections to counter-deposition designations shall be exchanged no later than December 10, 2021. The parties shall meet and confer regarding any issues relating to the pretrial exchanges before filing a proposed pretrial order.

7. Motions in Limine. Motions in limine shall be filed and served on December 3, 2021. Opposition papers shall be filed and served on December 17, 2021. No party shall serve or file a reply related to motions in limine.

8. Proposed Pretrial Order. Pursuant to Local Rule 7016-2(d), Plaintiffs shall file a proposed pretrial order agreed to by the parties no later than December 22, 2021. The parties shall

meet and confer in good faith so that Plaintiffs may file the proposed pretrial order in conformity with Local Rule 7016-2.

9. Pretrial Conference. A final pretrial conference in accordance with Local Rule 7016-2(a) is January 6, 2022.

10. Joint Pretrial Memorandum. The parties shall comply with the General Order Governing Pretrial Procedures in Adversary Proceedings Set for Trial Before Judge Laurie Selber Silverstein. The parties shall file, no later than five (5) business days prior to the date set for Trial, their Joint Pretrial Memorandum approved by all counsel and shall contemporaneously deliver two (2) copies thereof to Judge Silverstein's chambers.

11. Trial. Trial will begin on January 19, 2022.

12. The parties intend that the Order Approving Confidentiality Agreement and Stipulated Protective Order (ECF Doc. 810) will apply in this Adversary Proceeding.

Dated: August 9th, 2021
Wilmington, Delaware


4 LAURIE SELBER SILVERSTEIN
UNITED STATES BANKRUPTCY JUDGE